

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
vs.) No. 14-03106-26-CR-S-MDH
)
JEFFREY GARDNER,)
)
 Defendant.)

SENTENCING MEMORANDUM

Comes now Defendant, Jeffrey Gardner, by and through his attorney of record, Jason W. Johnson, and submits the following memorandum supporting a sentence below the currently calculated USSG range, and asks the Court to render a sentence of 120 months in the Bureau of Prisons. Mr. Gardner submits the following suggestions.

SUGGESTIONS

Pursuant to Mr. Gardner's Presentence Investigation Report, the minimum term of imprisonment for the charge is ten (10) years and the maximum term is life, pursuant to 21 USC §841(a)(1) and 21 USC §841(b)(1)(A). The guideline provisions provide a range of 292 months to 365 months due to Mr. Gardner's total offense level of 35 and his criminal history category of VI.

In discussions related to the plea agreement which has been effectuated in the present case, undersigned counsel has contacted Mr. Randall D. Eggert, the Supervisory Assistant U.S. Attorney and AUSA assigned to this case, and it is undersigned counsel's

belief that the Government will be requesting a sentence of 144 months, assuming there is no new conduct on the part of Mr. Gardner which would impact the terms of the plea agreement. If the Court then agrees with the parties, the adjusted range of punishment for Mr. Gardner would be 120 to 144 months. Mr. Gardner believes that the statutory minimum of 10 years (120 months) is appropriate in light of his relatively limited role in this offense, his acceptance of responsibility, and the fact that the statutory minimum still offers a substantial prison term that will provide a just punishment and deter future conduct.

Mr. Gardner has come forward and admitted his guilt and role in the offense and taken responsibility for his actions, which certainly results in saving the Court time and the Government the expense of further proceedings, trial preparation, litigation, and the necessity of an extended period for jury selection and trial.

Mr. Gardner also has a young son who is currently in middle school, and he has the overwhelming support of his other family members in terms of modifying his behaviors in the future.

WHEREFORE, for the above-stated reasons, Mr. Gardner respectfully prays this Court to impose a sentence below the range of punishment determined in the Presentence Investigation, adjust his range of punishment to 120 to 144 months, and to impose a sentence of the statutory minimum of 120 months. Mr. Gardner asks that the Court take into account the nature and circumstances of the offenses and the characteristics of Mr. Gardner and vary downward under §3553(a), to the statutory minimum sentence of 120

months. Mr. Gardner also respectfully prays the Court make the recommendation that Mr. Gardner be assigned to a detention facility that offers the institutional treatment program.

Respectfully submitted,

/s/ Jason W. Johnson

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Attorney for Defendant

August 12, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case, and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

/s/ Jason W. Johnson

JASON W. JOHNSON